

ERNEST LANE TRIBBLE)
)
Plaintiff,)
)
v.) Civil Action No. 2:12-CV-00279
)
DR. WILLIAM R. KINCAID and)
McLEOD CANCER AND BLOOD)
CENTER, EAST TENNESSEE)
HEMATOLOGY-ONCOLOGY, P.C.,)
)
Defendants.)

STATE OF TENNESSEE
COUNTY OF WASHINGTON

My name is William R. Kincaid, M.D., and I have personal information of the matters contained herein. I am a physician, duly licensed in the State of Tennessee, and practice my specialty of hematology/oncology as an employee of East Tennessee Hematology-Oncology, P.C. that does business as McLeod Cancer and Blood Center. A copy of my *curriculum vitae* is attached. I have reviewed office records relative to Wanda R. Tribble and can relate to the Court that she first became a patient of Dr. David Tabor, who was formerly employed by McLeod in 1998. Copies of her examinations and treatments are attached with the medical records filed as an exhibit to this Affidavit. She was originally diagnosed with carcinoma of the right breast in 1998 for which she received a right mastectomy, and thereafter was referred by Dr.

Elizabeth Lawson to Dr. David Tabor, an hematologist oncologist who prescribed a five year course of Tamoxifen. He continued to see Ms. Tribble until 2001. At that time, her care and treatment was undertaken by Dr. Ray Lamb, M.D., who is a well qualified, licensed, hematologist oncologist who is and was employed by McLeod. Ms. Tribble was treated by Dr. Lamb by continuing her Tamoxifen, the generic name for an antagonist for estrogen receptors in breast tissue. This is a widely used and prescribed drug for many years. It is not an infused chemotherapy drug, but is a pill which is now available in generic form. She continued on the Tamoxifen until mid-2003, but had difficulty tolerating it due to "hot flashes". She continued to be seen by Dr. Lamb and in his note of October 13, 2005, it was noted she had a mass in her left breast, which resulted in a modified radical left mastectomy. She was followed thereafter by Dr. Lamb who prescribed her the drug Aromasin, which is taken in pill form and is widely used and accepted following treatment by Tamoxifen. It generally, in lay terms, reduces the estrogen produced by the body as an adjuvant treatment for breast cancer. It is not an infused chemotherapy drug. According to Ms. Tribble's records, she generally filled her prescriptions at CVS Pharmacy or Wal-Mart, though I am not personally aware of where she had her prescription filled.

Dr. Lamb continued seeing Ms. Tribble until her last visit with our office on January 28, 2009. One of the side effects of Aromasin is that it can decrease bone density, and Dr. Lamb had followed her for that in conjunction with her internal medicine physicians. At that visit she received her last prescription for Aromasin. On February 26, 2009, apparently Ms. Tribble chose to discontinue her care by Dr. Lamb,

and to transfer her care to East Tennessee State University physicians. See Exhibit 2. There was nothing unusual about Dr. Lamb's treatment of this patient and when she left his care it is noted she had survived her cancer for 9 years. She stopped taking the Aromasin in 2009. **I have no recollection of treating Ms. Tribble, do not have any records of infusing chemotherapy drugs to her, and have no recollection of ever seeing her as a patient.** I am aware that she left our practice, having last been seen on January 28, 2009 by Dr. Lamb. She subsequently became a patient of East Tennessee State University/Medical Education Assistance Corporation, and particularly was seen by Dr. Koyamangalath Krishnan, the division chief, chair of excellence, and board certified in medical oncology at East Tennessee State University. Dr. Koyamangalath Krishnan is not employed by me, is not my agent, and has never been a member or employee of East Tennessee Hematology Oncology, P.C. dba McLeod Blood and Cancer. According to hospital records, Dr. Koyamangalath Krishnan did treat and administered chemotherapy to Ms. Tribble for her recurring cancer. He began seeing her in 2009. They also indicate Ms. Tribble was treated by Dr. Mary Hooks for additional surgery, and Dr. Kyle Colvett, a radiation oncologist, with radiation treatments, and other internal medicine physicians. None of these physicians practices with me or my office. I do not know which chemotherapy drugs Dr. Koyamangalath Krishnan selected or used, but he is certainly a qualified physician in his chosen field and board certified in his specialty. It is apparent that the chemotherapy was unfortunately unsuccessful for eradicating Ms. Tribble's metastasized cancer. While it is unfortunate that Ms. Tribble did not survive her

cancer, and I am saddened for her family by this loss, it had nothing to do with me.

In this case I have been accused of administering "watered down drugs" to Ms. Tribble and apparently "fraud" in her treatment, and this is false and a complete fabrication. I was never contacted personally about treatment of this patient by Plaintiff's counsel, did not receive a notice of intent to sue prior to the institution of this action, and believe that the medical records were neither obtained nor reviewed prior to the filing of this case or the above recitations would have been obvious. I have been threatened with "perjury" per the filing of Plaintiff in their Response to Motion for Sanctions, accused of and generally forced to undergo television and newspaper scrutiny over a patient I did not treat. I have received correspondence that the plaintiff intentionally chose to publicize this matter. I attach hereto as Exhibits (1) my C.V. (2) patient's request to change physicians (3) office records including treatment examinations and notes (4) Internet description of Dr. Koyamangalath Krishnan's biography. I do not have access to Dr. Koyamangalath Krishnan's chemotherapy records, but upon receipt of a medical authorization, they will be filed as Exhibit (5) to this affidavit.

Further the affiant sayeth nought.

A handwritten signature in black ink, appearing to read "William R. Kincaid, M.D.", written over a horizontal line.

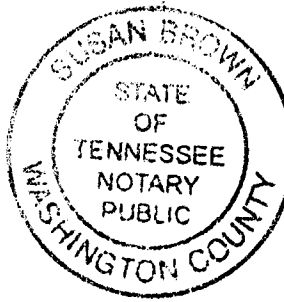
William R. Kincaid, M.D.

Sworn to and subscribed before me this 16th day of August, 2012.

Susan Brown
Notary Public

My Commission Expires:

7-24-13



CERTIFICATE OF SERVICE

I hereby certify that on August 17, 2012, a copy of the foregoing Affidavit in Support of Motion for Sanctions, along with Exhibits, were filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's electronic filing system.

s/ Charles T. Herndon IV

Charles T. Herndon, IV (No. 001366)